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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 5-9 have been rejected under 35 U.S.C. §103 as being unpatentable over Miller et al. (USPN 6,542,846) in view of Rhoads et al. (USPN 6,540,685), and Claims 1-4 and 10-18 have been rejected under 35 U.S.C. §103 as being unpatentable over Miller et al. in view of Bauer et al. (EP 448,755).

To overcome the rejections, Claim 1 has been amended that a first action is taken at least part of the time based only on the first sensor indicating a first temperature, the first action also being taken at least part of the time based only on the second sensor indicating a second temperature different than the first temperature as disclosed at, e.g., Figure 6 and on page 21 *et seq.* Independent Claim 5 now recites that a first action condition when a first temperature is detected by said internal temperature detecting sensor is different from at least a second action condition when the first temperature is detected by said outer wall sensor. In contrast, independent Claim 8 sets forth that a first action is taken when the first detector indicates a first temperature and is not taken when the second detector indicates the first temperature, the first action also being taken when the second detector indicates a second temperature different than the first temperature. The last remaining independent Claim (10) recites selecting respective temperature rise suppressing measures according to respective temperatures detected by respective temperature detectors. Claim 6 has been canceled and Claim 7 amended in consonance therewith, with Claims 16-18 also being cancelled. Claims 1-5 and 7-15 remain pending.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

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Of relevance to the amended claims is the teaching of the primary reference at col. 9, lines 56-66 that when any sensor reaches a first setpoint, or when the average of the sensors reaches the setpoint, a particular action is triggered, whereas in the present claims more is provided. Specifically, in Claim 1, for instance, and unlike Miller et al., at least part of the time a first action is taken based only on the first sensor indicating a first temperature (i.e., non-averaged), and the first action is also taken at least part of the time based only on the second sensor indicating a second temperature different than the first temperature. When Miller et al. uses non-averaged temperatures, this cannot happen, because the same temperature triggers the same action regardless of which sensor the temperature is received from.

Consider also amended Claim 5, which requires that a first action condition is indicated when a first temperature is detected by an internal temperature detecting sensor, and that this first action is different from a second action condition which is indicated when the first temperature is detected by the outer wall sensor. In contrast, in Miller et al. when two different sensors indicate the same temperature, the action is taken (or not).

Next consider Claim 8 as now amended, which sets forth that a first action is taken when the first detector indicates a first temperature and is not taken when the second detector indicates the first temperature, and further that the first action is also taken when the second detector indicates a second temperature different than the first temperature. Claim 10 now directly correlates respective action to respective sensors.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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